



**Fitch, Even, Tabin & Flannery**

*Intellectual Property Law*

RECEIVED  
CENTRAL FAX CENTER

DEC 07 2005

# F A C S I M I L E

DATE: December 7, 2005

TO: U.S. Patent & Trademark Office  
FAX NO.: (571) 273-8300

FROM: Steven M. Freeland, Reg. No. 42,555 *smf*

Attorney Docket No.: 70625/5102  
U.S. Application No.: 10/039,311  
Filing Date: October 26, 2001  
Inventor: Clark et al.  
Art Unit: 2881  
Examiner: Vanore, David A.

NO. OF PAGES: 16 pages (including this 1-page coversheet)  
DISPATCHED BY: Leticia M. Hillary

**Transmitted Herewith For Filing Via Facsimile:**

Transmittal Form (1 pg.);  
Amendment "B" (10 pgs.);  
Copy of 4/26/04 electronic IDS (4 pgs.); and  
Fax coversheet (1 pg.)

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

9276 Scranton Road, Suite 250  
San Diego, California 92121-7701  
Telephone 858-552-1311  
Fax 858-552-0095

435000\_1

DEC 07 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

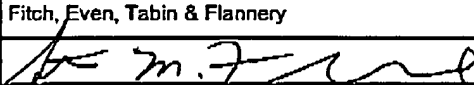
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

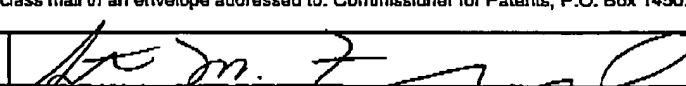
<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/039,311	
	Filing Date	October 26, 2001	
	First Named Inventor	Clark	
	Art Unit	2881	
	Examiner Name	Vanore, David A.	
Total Number of Pages in This Submission	16	Attorney Docket Number	70625/5102

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (10 pgs.) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Copy of eIDS filed 4/26/04 (4 pgs.); 2) Fax Cover Sheet (1 pg.)
Remarks _____		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fitch, Even, Tabin & Flannery		
Signature			
Printed name	Steven M. Freeland		
Date	December 7, 2005	Reg. No.	42,555

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Steven M. Freeland	Date	December 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


434985\_1

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

DEC 07 2005 DOCKET NO. 70625/5102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.:	10/039,311	<u>Certificate of Transmission/Mailing</u>
Applicants:	Clark et al.	I hereby certify that this correspondence is being facsimile transmitted to:
Filed:	October 26, 2001	USPTO Fax. No. (571) 273-8300
Title:	STERILIZATION OF PACKAGES AND THEIR CONTENTS USING LIGHT	or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Examiner:	Vanore, David A.	Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
Art Unit:	2881	on the date shown below:
Customer No.:	22242	<u>December 7, 2005</u> 
Confirm. No.:	7387	Date Steven M. Freeland Registration No. 42,555 Attorney for Applicants

AMENDMENT B

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed September 7, 2005, Applicants provide  
the following:

Amendments to the claims begin on page 2.

Remarks begin on page 9.

431669\_1